

IN THE CIRCUIT COURT OF HARRISON COUNTY, MISSISSIPPI
FIRST JUDICIAL DISTRICT

LINDA WESTCOTT

PLAINTIFF

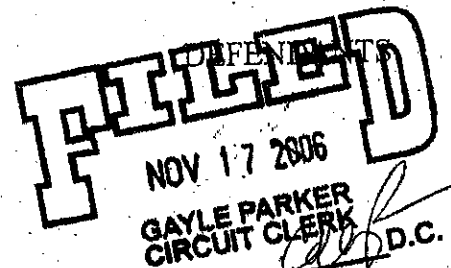
VERSUS

CIVIL ACTION NO. A2401-2006-29

BAMACO, INC., DAVID WHITE D/B/A
TYTAC AND CROWLEY LINER SERVICES, INC.

AMENDED COMPLAINT

(JURY TRIAL REQUESTED)



COMES NOW, Plaintiff Linda Westcott by and through undersigned counsel, and files
this her Amended Complaint against the Defendants and for cause of action would respectfully
show unto the Court the following, to wit:

(1)

PARTIES

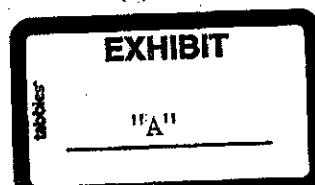
The Plaintiff, Linda Westcott, is a person of the full age of majority and a resident citizen
of Harrison County, Mississippi.

The Defendant, Bamaco, Inc. ("Bamaco") upon information and belief is a foreign
corporation and may be served with process through its agent C T Corporation System of MS at
1200 S. Pine Island Rd., Plantation, FL, 33324.

The Defendant, David White d/b/a Tytac ("White") upon information and belief is a
person of the full age of majority who can be served with process at 1023 Willow Grove,
Monroe, TN 38573.

The Defendant, Crowley Liner Services, Inc. ("Crowley"), upon information and belief is
a foreign corporation and may be served with process through its agent Corporation Service
Company at 506 S. President Street Jackson, Mississippi 39201.

(2)



JURISDICTION

The incident complained of herein occurred in Gulfport, in Harrison County, Mississippi. Jurisdiction and venue are proper in this court.

(3)

FACTS

On August 29, 2005, Hurricane Katrina, a category four hurricane, made landfall on the Mississippi Gulf Coast causing large amounts of debris, shipping containers, and other objects to be tossed throughout many neighborhoods on the Mississippi Gulf Coast. A container belonging to Defendant Crowley landed on the street in the front of Plaintiff's rental property located at 600 Woodard Ave. Gulfport, MS.

(4)

Defendant Crowley failed to remove the container in a timely manner, and during clean up efforts, on or about the end of September 2005, the container belonging to Defendant Crowley was pushed on top of Plaintiff's porch causing the porch to be completely destroyed.

(5)

On October 4, 2005, Plaintiff arrived at her rental property where she found an employee of Defendants Bamaco and White in the process of bulldozing and tearing her house down.

(6)

When Plaintiff inquired about why the house was being destroyed, she was told by the employee of Bamaco and White that the Harrison County Corner ordered the house to be destroyed because of human remains inside of the house.

(7)

Plaintiff later found out that there were no human remains inside of her house and that

Harrison County Corner never ordered her house to be destroyed.

(8)

NEGLIGENCE

The acts of gross negligence of Defendant Crowley which were the proximate cause of Plaintiff's financial loss are as follows:

- (a) Failure to properly store its storage containers; and
- (b) Failure to remove its container from the street in front of Plaintiff's house in a timely and efficient manner.

(9)

The acts of negligence of Defendants Bamaco and White which were the proximate cause of Plaintiff's financial loss are as follows:

- (a) Failure to control or supervise its employees;
- (b) Failure to obtain a right of entry form from Plaintiff before destroying Plaintiff's property; and
- (c) Destroying Plaintiff's rental property.

(10)

MISREPRESENTATION

Defendants Bamaco and White misrepresented to Plaintiff that the Harrison County Corner had approved an order for Plaintiff's house to be destroyed because of human remains inside of the house. Plaintiff reasonably relied upon this misrepresentation to her detriment, causing her damages.

(11)

DAMAGES

As a direct and proximate result of the above wrongful acts of Defendants, Plaintiff has suffered the following damages:

- (A) Loss of use and inconvenience;
- (B) Cost of replacement of home contents;
- (C) Construction costs;
- (D) Costs, expenses, and attorney fees;
- (E) Cost of repair;
- (F) Loss of income;
- (G) Emotional distress: Past Present and Future; and
- (H) Other such and further legal and equitable relief as the Court shall deem necessary and proper.

(12)

PRAYER

The Plaintiff requests judgment against Defendants in the amount justice warrants as determined by the trier of fact, together with the cost of this action, attorneys fees, legal interest as provided by law, all costs of court, and for all other relief reasonably shown to be due herein.

BY: LINDA WESTCOTT
BY: GEORGE W. HEALY, IV & ASSOCIATES

BY: 
GEORGE W. HEALY, IV, MS BAR NO. 2154
TIMOTHY J. MATUSHESKI, MS BAR NO 100998

George W. Healy, IV.
2224 25th Avenue
Gulfport, Mississippi 39501
Telephone: 228-575-4005
Telefax: 228-575-4006

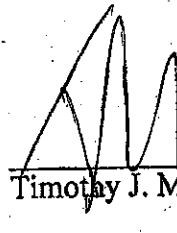
CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify that I have this day caused to be served the above and foregoing pleading by U.S. mail, postage prepaid to the following:

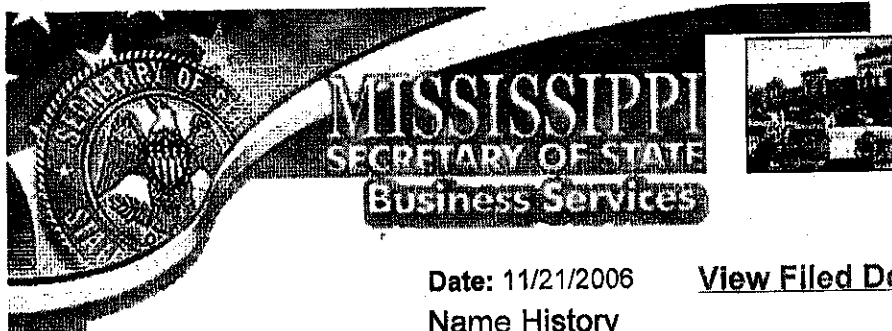
Ben H. Stone, Esq.
1310 Twenty Fifth Avenue
Gulfport, MS 39501

W. Edward Hatten, Jr., Esq.
P.O. Drawer W
Gulfport, MS 39502

This the 16th day of November, 2006.



Timothy J. Matusheski



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Date: 11/21/2006

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Name	Name Type
BAMACO, Inc.	Legal

Business Corporation - Foreign - Information

Business ID:	883227
Status:	Good Standing
Creation Date:	12/16/2005
State of Incorporation:	FL
Principal Office Address:	6869 Highway 100 West Bunnell FL 32110
Principal Mailing Address:	No Address
Listing Address:	No Address
Last Annual Report Filed Date:	6/13/2006
Last Annual Report Filed:	2006
Annual Report Month:	January

Registered Agent

Agent Name:	C T CORPORATION SYSTEM
Office Address:	645 LAKELAND EAST DRIVE, S FLOWOOD MS 39232

Mailing Address:

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EXHIBIT

"B"

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OFFICE OF THE MISSISSIPPI S

P.O. BOX 136, JACKSON, MS 39205-0136 (601) 359-1333

Application for Certificate of Authority

The undersigned corporation, pursuant to Section 79-4-15.03 (if a profit corporation) or Section 79-11-367 (if a nonprofit corporation) of the Mississippi Code of 1972, hereby executes the following document and sets forth:

1. Type of Corporation

⇒ ☒ Profit ☐ Nonprofit

2. Name of the Corporation

⇒ BAMACO, Inc

3. The future effective date is
(Complete if applicable)

4. Its state or country of incorporation is

⇒ Florida

5. Street Address of the corporation's principal office

⇒ 6869 Highway 100 West

⇒ City, State, ZIP5, ZIP4 Bunnell FL 32110

6. Date of incorporation

8-27-2003

Period of duration

Propetual

7. Name, Street and Mailing Address of the Registered Agent and Registered Office are

⇒ Name C T Corporation System

⇒ Physical Address c/o C T Corporation System, 645 Lakeland East Drive, Suite 101

⇒ P.O. Box

⇒ City, State, ZIP5, ZIP4 Flowood MS 39232

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OFFICE OF THE MISSISSIPPI SECRETARY OF STATE
P.O. BOX 136, JACKSON, MS 39205-0136 (601) 359-1333
Application for Certificate of Authority



8. Officers

Name

Title

⇒ Robert M Mitchell President

Business Address

6869 Highway 100 West

City, State, ZIP5, ZIP4

Bunnell

FL

32110 -

Name

Title

⇒ Beverly R Mitchell Vice President

Business Address

6869 Highway 100 West

City, State, ZIP5, ZIP4

Bunnell

FL

32110 -

Name

Title

⇒ Beverly R. Mitchell Secretary

Business Address

6869 Highway 100 West

City, State, ZIP5, ZIP4

Bunnell

FL

32110 -

9. Directors

Name

Title

⇒ Robert M Mitchell President

Business Address

6869 Highway 100 West

City, State, ZIP5, ZIP4

Bunnell

FL

32110 -

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OFFICE OF THE MISSISSIPPI SECRETARY OF STATE
P.O. BOX 136, JACKSON, MS 39205-0136 (601) 359-1333
Application for Certificate of Authority

Name	Title		
⇒ Beverly R. Mitchell	Vice President		
⇒ Business Address	6869 Highway 100 West		
⇒ City, State, ZIP5, ZIP4	Bunnell	FL	32110 -

Name	Title		
⇒			
⇒ Business Address			
⇒ City, State, ZIP5, ZIP4			-

10. FOR NONPROFIT ONLY (Check appropriate box)

The corporation ☐ has members ☐ has no members.

11. Name elected to use in Mississippi is

⇒ BAMACO, Inc.

By: Signature *Robert M. Mitchell* (Please keep writing within blocks)

Printed Name *Robert M. Mitchell* Title *President*

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OFFICE OF THE MISSISSIPPI SECRETARY OF STATE
P.O. BOX 136, JACKSON, MS 39205-0136 (601) 359-1333
Application for Appointment of Registered Agent



1. Name of the Corporation

BAMACO, Inc.

2. It is incorporated under the laws of

Florida

3. Registered Agent

C T Corporation System

is designated and appointed registered agent of this corporation in the State of Mississippi upon whom service of process against this corporation may be had in the event of any suit against this corporation in said State; and that all prior designations and appointments of registered agents, if any, be and the same hereby revoked.

Witness my signature, and the SEAL of said Company, this the 15 day of Dec AD, 2005 (year)

By: Signature

Robert M. Mitchell

(Please keep writing within blocks)

Printed Name

Mike Mitchell *Robert M. Mitchell*

Title

President

The undersigned hereby accepts the above description and appointment of registered agent for service of process

Dated in

Flowood
Mississippi, the

16th

day of

Dec AD.

2005 (year)

Signature
of Registered
Agent

CT Corporation System
Barbara A. Burke
By: BARBARA A. BURKE
SPECIAL ASSISTANT SECRETARY

(Please keep writing within blocks)

Physical
Address

c/o CT Corporation System, 645 Lakeland East Drive, Suite 101

P.O. Box

City, State, ZIP5, ZIP4

Flowood

MS

39232

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State of Florida

Department of State

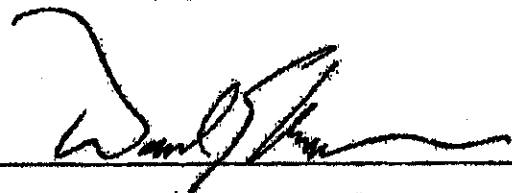
I certify from the records of this office that BAMACO, INC. is a corporation organized under the laws of the State of Florida, filed on August 27, 2003.

The document number of this corporation is P03000094676.

I further certify that said corporation has paid all fees due this office through December 31, 2005, that its most recent annual report was filed on May 27, 2005, and its status is active.

I further certify that said corporation has not filed Articles of Dissolution.

*Given under my hand and the Great Seal of
Florida, at Tallahassee, the Capital, this the
Fifteenth day of December, 2005*



Secretary of State

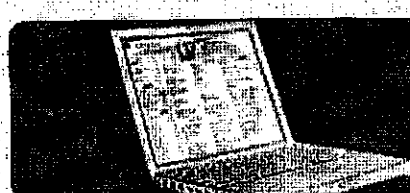


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Monroe, TN 38573-5313
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Business Services



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Name History

Name	Name Type
CROWLEY LINER SERVICES, INC.	Legal

Business Corporation - Foreign - Information

Business ID:	679644
Status:	Good Standing
Creation Date:	7/1/1999
State of Incorporation:	DE
Principal Office Address:	9487 REGENCY SQUARE BLVD JACKSONVILLE FL 32225
Principal Mailing Address:	No Address
Listing Address:	No Address
Last Annual Report Filed Date:	5/24/2006
Last Annual Report Filed:	2006
Annual Report Month:	January

Registered Agent

Agent Name:	CORPORATION SERVICE COMPANY
Office Address:	506 S PRESIDENT ST JACKSON MS 39201
Mailing Address:	

Officers & Directors

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